

DOCKET NO. DK2019-095

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| IN THE MATTER OF | § | TEXAS BOARD OF |
| THE LICENSE OF | § | VETERINARY |
| JENNIFER NEWMAN, D.V.M. | § | MEDICAL EXAMINERS |

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Jennifer Newman, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Jennifer Newman, D.V.M., of New Braunfels, Texas, holds Texas veterinary license 13756.
2. On June 12, 2017, V. Gary and Bernice Schaub presented their nine-year-old, male, miniature Schnauzer canine, Sal, to the Respondent at Chisholm Trail Veterinary Clinic, New Braunfels, Texas (“the facility”) following Sal’s ingestion of travel bag straps. The Schaub reported that Sal had vomited bile and food the night before. Respondent took radiographs and diagnosed severe presentation of a gastric foreign body. Respondent recommended immediate exploratory surgery to remove the foreign body.
3. Sal was then prepped for surgery. During surgery, a veterinary assistant warmed two 1L fluid bags, then placed them on either side of Sal’s thorax for body temperature support. Respondent stated that it is clinic protocol to wrap fluid bags in 1-2 layers of towels to prevent the patient from becoming too hot, and she now assumes this was not done when the warming bags were placed. Respondent began the surgery at 10:30 a.m. and finished at 11:45 a.m. The surgery was successful, and the foreign body was removed with no complications. Following surgery, Sal was hospitalized from June 12, 2017 – June 14, 2017.
4. On June 14, 2017, the Schaub returned to the facility to retrieve Sal. Respondent advised Mr. and Ms. Schaub to return Sal to the facility in 7 to 10 days to have the staples removed. After returning home with Sal, the Schaub observed Sal flinching and kicking when being touched.
5. On June 25, 2017, the Schaub noticed a strange patch of hair on Sal’s torso. When brushed by a finger, a thin layer of dark skin came off with the patch. The Schaub proceeded to check the remainder of Sal’s body and discovered more patches of hair had fallen off. Mr. and Ms. Schaub

were concerned that Sal may have ringworm, so they bathed him with medicated shampoo. The following day, another patch of hair fell off of the left side of Sal's torso in nearly the exact location as the other side.

6. On June 28, 2017, the Schaub's began preparing Sal for another medicated bath when they noticed red oozing raw skin in circular patches on both sides of Sal's torso. Mr. and Ms. Schaub immediately returned Sal to the facility. Respondent examined Sal and found that the skin associated with the hair loss was firm, had a slightly darker discoloration, and the matted hair epilated easily. Based on her examination, Respondent suspected a thermal burn due to location, bilateral presentation, and warming methods used during surgery. Respondent stated that following these events, she no longer allows the use of warm fluid bags or rice bags for any of her procedures. Respondent also stated that she has conducted additional training with facility staff.

7. Respondent prescribed Silver Sulfadizine 1% cream to apply twice daily for a couple of weeks, and also suggested continuing the medicated shampoo as an antiseptic once a day. No other instructions were given regarding sanitizing the burn areas or bandaging aside from the hydrotherapy. The Schaub's stated that Respondent did not recommend a follow-up appointment. Respondent stated that she recommended a follow-up appointment in one week, however, the Schaub's never returned follow-up calls from the facility. Respondent's medical records do not indicate that she recommended a follow-up appointment. Sal was treated twice a day with the medicated cream and hydrotherapy. The Schaub's state that nothing more was offered for treatment, and they had to rely on additional information they obtained from the internet to learn how to care for Sal's wounds. Respondent stated that following these events, all patients are sent home with written instructions. Respondent also stated that following these events, the facility switched to a software that permits staff to email an exam summary to clients after each appointment.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.
2. Respondent has violated Board Rule 573.10, Supervision of Non-Veterinarians, of the Board's Rules of Professional Conduct.
3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting licensed veterinarians from engaging in practices or conduct that violates the board's rules of professional conduct.
4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
5. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and

Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. REPRIMAND

- a. Respondent is hereby informally reprimanded by the Board. This informal reprimand will not be published in the Board's newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of five hundred dollars (\$500.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.
- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and signature page follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 4th day of November, 2019.

Jennifer Newman DVM
Jennifer Newman, D.V.M.

Sworn and subscribed before me this 4th day of November, 2019.



Lillie Blaschka
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order.

This Order is effective and final on this 27th day of January, 2020.

Jessica Quillivan
Jessica Quillivan, D.V.M., Presiding Board Member